

- **Sec. 6.1. - Compliance required.**

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(A) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.

(B) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with [section 6.3](#).

(C) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

(Ord. No. 010-14, § 1, 6-2-14)

- **Sec. 6.3. - Violations and penalties.**

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(A) Any person or corporation who shall hereafter develop any land or locate, erect, construct, reconstruct, repair, extend, convert, enlarge, alter, use, or occupy any structure or equipment regulated by this Code or knowingly cause same to be done contrary to or in conflict with or in violation of any of the provisions of this Code without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations shall be in violation.

(B) Any person or corporation who shall violate any provision this code or who fails to comply with any order issued by the Floodplain Administrator or code official pursuant to the provisions of this Code shall be guilty of a violation and, upon conviction thereof, shall be subject to punishment as provided in [section 1-11](#) of the Town of Smyrna Code.

(C) In case any violation order is not promptly complied with, the code official or flood plain administrator shall institute an appropriate action or proceed at law to seek the penalty provided in subsection (B) of this section. Also, the code official may ask such

legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person to:

- (1) Restrain, correct or remove the violation or refrain from any further execution of work.
- (2) Restrain or correct the erection, installation or alteration of such structure.
- (3) Require the removal of work in violation.
- (4) Prevent the occupancy or use of the property or structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specification under which an approval, permit or certification was issued.

(Ord. No. 010-14, § 1, 6-2-14)

- **Sec. 1-11. - General penalty; continuing violations.**

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(a) In this section, "violation of this Code" shall mean:

- (1) Doing an act that is prohibited or made or declared unlawful or an offense, either by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed, either by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act, if the failure is declared an offense or unlawful, either by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, "violation of this Code" shall not include the failure of a town officer or town employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Any violation of this Code shall be either a "civil" violation or a "criminal" violation. Unless otherwise designated as a "criminal" violation (such as by identifying such violation as a "criminal" offense or violation, as a "misdemeanor," or by providing incarceration as a possible penalty), any action brought by the town (whether in the name of the town or in the name of the state) shall be in the nature of a civil action for the imposition of a civil monetary penalty and not a criminal proceeding.

(d) Except as otherwise provided, each person convicted of a violation of this Code, whether such violation be "civil" or "criminal" in nature, shall be punished by a fine up to but not exceeding \$1,000.00. With respect to any violation of this Code that is continuous with respect to time, each day the violation continues shall be a separate offense unless otherwise stated herein.

(e) The imposition of any civil or criminal fine or penalty shall not preclude revocation or suspension of any license, permit, or franchise held by the person convicted and/or directly related to the violation for which such person was convicted.

(f) Violations of this Code that are continuous with respect to time may be abated by mandamus, injunction, or other equitable relief. The imposition of any civil or criminal fine or penalty shall not preclude equitable relief or other civil enforcement of a violation of this Code.

(Ord. of 6-4-01, §§ 1, 2; Ord. of 8-5-02, §§ 1—4)

Charter reference— Authority, § 2(b)(22).

Cross reference— Alcoholic beverages generally, [ch. 6](#); civil emergencies, [ch. 22](#); law enforcement, [ch. 34](#); offenses and miscellaneous provisions, [ch. 42](#); traffic and vehicles, [ch. 66](#).